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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,207	03/13/2007	Stefan Golz	004974.01212	2782
22907 7590 05/21/2008 BANNER & WITCOFF, LTD.			EXAMINER	
1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			CHEU, CHANGHWA J	ANGHWA J
			ART UNIT	PAPER NUMBER
			1641	
			MAIL DATE	DELIVERY MODE
			05/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)		
	10/588,207	GOLZ ET AL.		
Office Action Summary	Examiner	Art Unit		
	JACOB CHEU	1641		
The MAILING DATE of this communication ap Period for Reply	opears on the cover sheet with the c	correspondence address		
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING I - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statu Any reply received by the Office later than three months after the maili earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION .136(a). In no event, however, may a reply be tired will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
 Responsive to communication(s) filed on <u>02 August 2006</u>. This action is FINAL. 2b) This action is non-final. Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213. 				
Disposition of Claims				
4) Claim(s) 1-18 and 21-23 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-18 and 21-23 are subject to restriction and/or election requirement.				
Application Papers				
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correction of the oath or declaration is objected to by the E	ccepted or b) objected to by the edrawing(s) be held in abeyance. Section is required if the drawing(s) is ob	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate		

Page 2

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1, 4-11, drawn to a method of screening for therapeutic agent, with a special technical feature of detecting the binding of the compound to the PRSC1 peptide.

Group II, claim(s) 2, drawn to a method of screening for therapeutic agent, with a special technical feature of determining the activity of the PRSC1peptide at a concentration of the test compound.

Group III, claim(s) 3, drawn to a method of screening for therapeutic agent, with a special technical feature of of determining the activity of the PRSC1 peptide at a concentration of a known regulator of PPARD peptide.

Group IV, claim(s) 12-17, drawn to drawn to a method of screening for therapeutic agent, with a special technical feature of detecting the binding of the test compound to the PRSC1 polynucleotide.

Group V, claim(s) 18, drawn to drawn to a method of screening for therapeutic agent, with a special technical feature of detecting the amount of PRSC1 peptide.

Group VI, claim(s) 21, drawn to a pharmaceutical composition which regulates the activity of the PRSC1.

Group VII, claim(s) 22-23, drawn to a pharmaceutical composition comprising PRSC1.

Application/Control Number: 10/588,207 Page 3

Art Unit: 1641

2. The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

With respect to Group VII, Roodman et al. teach a polypeptide PRSC1 (SEQ ID No. 4, WO 9828423; note Applicant listed in the specification, See Background of the invention, line 12). Roodman teach nucleotide encoding the PRSC1 amino acid (See claims 16 and 19). Also for invention VI, Roodman teach an antibody recognizing PRSC1 polypeptide (See claim 28). Furthermore, each group contains special technical feature not required by the other group.

Therefore, the invention of Group I-VII do not fulfill the requirement for unity of invention under Rule 13.1 PCT. Accordingly, the method of preparing or analyzing or are not so linked as to form a single general inventive concept.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Application/Control Number: 10/588,207 Page 4

Art Unit: 1641

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Cheu whose telephone number is 571-272-0814. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jacob Cheu/

Examiner, Art Unit 1641

Application Number

Application/Control No.		Applicant(s)/Patent under Reexamination		
	10/588,207	GOLZ ET AL.		
	Examiner	Art Unit		
	JACOB CHEU	1641		

U.S. Patent and Trademark Office Part of Paper No. 20080517

Index of Claims	Application/Control No.	Applicant(s)/Patent under Reexamination
	10/588,207	GOLZ ET AL.
	Examiner	Art Unit
	JACOB CHEU	1641

Non-Elected

N

Appeal

(Through numeral) Cancelled

Rejected

=	Allowed	÷	Restricted		nce O	Objected
Claim	Date		Claim	Date	Claim	Date
Final			Final		Final	